

# **EXHIBIT D**

## **DEFENDANTS' 9.20 COUNTER- PROPOSAL**

**From:** Goddard, Mark B. on behalf of Goddard, Mark B. <MGoddard@TurnerPadget.com>  
**Sent:** Wednesday, September 20, 2023 6:45 PM  
**To:** Liz Shepherd; Mayer, Marc; Joshua Salley  
**Cc:** Mikahlia Lawrence; Pamela Sandford; Thomas Barrow; Shellie Fischer; jhubert@rhp-law.com; jrahimi@rhp-law.com; kkennedy@rhp-law.com; jcluverius@nexsenpruet.com; gclose@nexsenpruet.com; wes@wesleyfew.com; cassy@wesleyfew.com; cooper.ellenberg@gmail.com; hellenberg@consumerprotection.net; Carter, J. Kenneth; Behnke, Lindsey M; Bowman, Theresa; Steinberg, David; Melara, Suguey; Frank Scardino; evan@cfwlegal.com; hmetcalfe@malawfirm.com; Tyler Thompson; Jordan Stanton; Jeffrey Freeman; J Edward Bell; bbull@ncose.com; dpinter@ncoselaw.org; cprice@ncoselaw.org; pgentala@ncoselaw.org; Casonya Ritchie; Val Gurvits  
**Subject:** [EXTERNAL] RE: Does v Collins Murphy et al; DEPO OF COLLINS MURPHY 09-13-23  
**Attachments:** Comparison 9\_20 Scheduling Order(13960531.1).docx

Counsel,


We have reviewed your proposed scheduling suggestions, and we have concerns about Plaintiffs' suggested deadlines.

Attached please find our new proposal that includes a comparison with Plaintiffs' proposal. We understand that Plaintiffs want to ensure they have sufficient time to conduct necessary discovery. We are cognizant of that request, and we have made some additional revisions to our previous proposal to allow additional time for discovery in hopes of finding a schedule that all parties can join. However, we feel strongly that the July 31, 2024, initial discovery deadline proposed by plaintiffs is not reasonable or necessary given the length of time these cases have been pending. Ending this phase of discovery on March 29, 2024, allows all parties over 6 months to conduct any necessary discovery.

We would ask that all parties review this proposal and let us know your thoughts.

If you would like to further discuss, please let us know.

Mark

 Mark B. Goddard  
Attorney  
PO Box 1473 | Columbia, SC 29202  
1901 Main Street, Suite 1700 | Columbia, SC 29201  
803-227-4334 | Fax 803-400-1542  
mgoddard@turnerpadget.com  
[Bio](#) | [vCard](#) | [Location](#)

**From:** Liz Shepherd <lshepherd@kytrial.com>  
**Sent:** Wednesday, September 20, 2023 9:18 AM  
**To:** Mayer, Marc <marc.mayer@msk.com>; Joshua Salley <JSalley@belllegalgroup.com>; Goddard, Mark B. <MGoddard@TurnerPadget.com>  
**Cc:** Mikahlia Lawrence <mlawrence@belllegalgroup.com>; Pamela Sandford <PSandford@hallboothsmith.com>; Thomas Barrow <TBarrow@hallboothsmith.com>; Shellie Fischer <SFischer@hallboothsmith.com>; jhubert@rhp-law.com; jrahimi@rhp-law.com; kkennedy@rhp-law.com; jcluverius@nexsenpruet.com; gclose@nexsenpruet.com; wes@wesleyfew.com; cassy@wesleyfew.com; cooper.ellenberg@gmail.com; hellenberg@consumerprotection.net;

Event	Old Date	MG Freesites' Proposed New Dates	Plaintiffs' Proposed Dates
Pls.' Expert Disclosures	October 28, 2023	<b>February 2, 2024</b>	<b>March 1, 2024</b>
Defs. Expert Disclosures	November 28, 2023	<b>March 2, 2024</b>	<b>April 1, 2024</b>
Records Custodians Affidavits	November 30, 2023	<b>March 2, 2024</b>	<b>July 31, 2024</b>
Discovery Cut-Off for all discovery except that related solely to compensatory damages, including IMEs, Plaintiffs' and Defendants' Expert Disclosures, and discovery related to those Expert Disclosures	November 30, 2023	<b>March 29, 2024</b>	<b>July 31, 2024</b>
Deadline for filing of Dispositive Motions	December 30, 2023	<b>May 3, 2024</b>	<b>September 16, 2024*</b> <b>*Briefing to conclude by December 20, 2024</b>
Mediation	December 14, 2023	<b>February 16, 2024</b>	<b>December 14, 2024</b>
Hearing on Pending Dispositive Motions		<b>???</b>	<b>???</b>
Plaintiffs' Damages Expert Disclosures		Four months from decision on dispositive motions	Four months from decision on dispositive motions

Def's. Damages Expert Disclosures		Six months from decision on motions	Six months from decision on motions
Records Custodians Affidavits		Six months from decision on motions	Six months from decision on motions
Damages Discovery Cut- Off		Seven Months from decision on motions	Seven Months from decision on motions
Dispositive Motions Deadline		Eight months from decision on motions	Eight months from decision on motions
Trial Not before		Nine Months from Decision on Motions	Nine Months from Decision on Motions